existed for centuries. Today it cannot be denied that some tribesmen, particularly the kotchir, belong to their group because of kinship relation (the Kurdish term tayfa, from Arabic, ta'ifa, "tribe," is used to describe a tribal subdivision still to be found which seems to represent a patrilineal clan), while at the same time it is perfectly clear that a great deal of membership is simply territorial. 619 631 [614]

It is important to notice that there are two main bodies of criminal law in Iraq, a civil code administered by judges appointed by the Ministry of Justice, and that commonly called "tribal law," executed by local administrative officers. The institution of dual legal systems was evoked by the existence of Arab and Kurdish tribes some of whose time-honored customs were, to say the least, out of joint with the provisions of a modern, quasi-European code. The differences between the two need not be considered in detail. In general, "tribal" law is more lenient in some respects, as in "justifiable" homicide (disposing of an erring female relative), and more stringent in others, such as adultery or rape. There are in the Rowanduz district a number of groups who can have recourse to tribal law, and its administration is not charged to the local judge, but is an added task of the qaimmaqam. Hence the office of that official in Rowanduz has often the aspect of a courtroom, the qaimmaqam and his clerk patiently and laboriously inquiring into the intricacies of some rural feud through an interminable parade of witnesses--coarsely-dressed 671 [693] 695

series made up solely of males. To this are added noteworthy collateral ancestors and, in the one or two generations closest to the chieftain in question, all of the collaterals, including the names of wives, sisters, and the latter's husbands. The importance of such a lineage lies in the fact that it is the sole patent of nobility, itself a matter of the highest social importance, and is of considerable value in the arrangement of marriages and the knowledge of one's potential friends and enemies. It is usually associated with a certain amount of folk history, the wars, revolts, feuds, and other deeds with which its personnel were concerned. Commoners are able to reproduce to some extent the lineage of their chieftain, for, as has been noticed, the honor of their leader is also their own, and animated conversations on such topics as aristocratic marriages and lineages offer an everyday source of entertainment. Unlike the mal, the fxmilixx is not associated with a single house, and its members may live in a large number of separate establishments.

It is convenient here to dismiss the question of inheritance with a cursory survey. Inheritance is not a matter over which the Kurdish populace exercises any unique control, because it was defined in the Quran and supplemented over the centuries by the jurists and doctors of Islam. A whole branch of Islamic jurisprudence is concerned with this complex question, and a number of popular expositions are available to the general reader.[1] In

[1]Goudefroy-Demombynes, 1946, pp. 143-151.

and delegations of guests from all parts of Kurdish Iraq. 585
When a woman, divorced or widowed, is married a second 587
time, the festivities are meager compared with those described above, confined to informal banquets for the two households concerned.

Divorce, like inheritance and betrothal, is a matter 586
of religious and civil law, and the townspeople and the [671]
Kurds in general, inasmuch as they seem to follow no customs which contravene the code, have nothing to do with these formulations. For a man, divorce is a simple proceeding in Muslim Iraq, for he need only come into the presence of the judge or the mulla or priest, with two witnesses, and subscribe to one of the several formulae, of which the simplest is saying, in Kurdish, to his wife, tallagem bo dayi (the verb from Arabic talleqa, "to divorce,"), "I divorce you." According to Islamic prescription, a husband can divorce his wife twice in this fashion and each time take her back, but the third recitation is absolutely binding. Only if the woman marries a third [587]
party and is subsequently divorced by him can she rejoin her first spouse in another marriage. If a man wishes to make the divorce final on the first occasion, he repeats the formula three times. Of the minor separations, those of the first or second occasions, there are two types. In the first of these the woman asks no compensation, and the divorce admits of easy reunion. In the second, the woman demands and is paid the mu'akher, that part of the

584 369 Rarely select the prospective bride, also when the first choice is dropped, as mentioned above. It is the women who conduct the preliminary negotiations[1], which are concluded by a meeting between the men of the two families implicated.

[191] The girl can refuse to agree to the union, but this, I was told, is regarded as a great insult. According to the law the father and grandfather have as well the right to marry off a minor daughter or granddaughter without obtaining her permission[2].

562 584 In the meantime a Kurdish girl can oppose the concept of marriage itself. My interpreter, an extremely intelligent girl, hoped to be able to continue her education abroad, a thing the city authorities perceived as holding out as a possibility, and therefore did not wish to marry for the time being. I did not come across any example of a father or mother forcing a daughter into marriage. There was, on the other hand, a case where a father had forced a young son to marry a girl fifteen years older. To avoid this forced marriage the young man fled to the mountains, but in vain. The father got his way. While in Kurdistan I met the woman in question and the fruits of the marriage, a little girl; the husband I only saw at a distance.

583 In regard to the age at which marriage is contracted, there is the case of my interpreter's half-sister, who became a bride at the age of twelve. Asked if she could consider being married, she remained silent[3]. I was told that she had been big and strong for her age. Her two children had been born when she was 16 and 18, and she and they looked quite healthy and sound. In Hadidja I lived in a home where the then 25 year old wife had been married at the age of 11, her husband then having been 23[4]. Her first child was born 6-7 years after the marriage. It was said that in the districts around Tavella, to which many families moved just for most of the summer on account of the work in the mulberry plantations there, and adolescent boys and girls picked fruit together, that, failing the precautions afforded to their virginity by a home, it was common for girls to be married before reaching puberty. In Balkha brides of 11-12 were mentioned. Here the reason for the early entry into the married state was said to be the shortage of adult women, but it was also averred that the first child was not born for 6-7 years after the wedding. Maternity before the girl is full-grown, as met with in India, does not therefore, appear to be usual in Southern Kurdistan.

[221] It might be expected that a girl of 11 or 12 would as a housewife be little use to a man, but my interpreter told me that a girl of this age—to us but a child—although completely uneducated and illiterate, was on the other hand domestically accomplished and fully aware of the behaviour expected of her in her new home. In consequence no major difficulties existed. As a parallel to this we have what Kaberry[5] says about the conditions of the Australian aborigines. Here a child bride of 9-11 is fully trained in the pattern of behaviour expected of her, has some sexual knowledge, is prepared for her widely duties, and therefore cannot in any way be compared with a European schoolgirl of a similar age.

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585 [1] Her marriage contract. A church or civil wedding is the main feature of a marriage contracted in the West, and conditions in the event of divorce, death of the spouse, and the wife's economic position during marriage are not laid down at that time. The drawing up of a marriage settlement and separate estate are still not regarded as really good form, and, despite the large percentage, divorce is not taken into consideration. Questions of inheritance are also arranged later, if at all.

With one or two other young men and relatives he awaited the arrival of the bride at his family home which in future was also to be her's. Although these weddings were celebrated by peasants, a representative of the sheikh's house, either himself or his son, took part in the fetching of the bride. On the return to the village, the cortège now comprised a car containing the bride accompanied by two women: a female relative who must not be the mother[135], and the woman who later should return to the bride's family with the bridal sheet and its evidence of the bride's virginity. At another wedding, which took place at Rakawa to which cars could not reach, the bride was carried the last stretch by a white mare accompanied by women on foot. That the horse was a mare was to promote childbearing. On arrival at the house the bride and her companions are led in, their arrival being awaited by the female guests, whilst the men assemble on the clay roof of the house or on that of a neighbour, where carpets are spread out, ones own and borrowed, and the festive meal is partaken. The law requires that all invited to this meal must attend unless there is valid reason for not doing so. On the other hand the host —in this case the father of the bridegroom— must ensure that the meal takes place in accordance with Islamic law[136]. The meal is prepared by the women but served by men for other men. Men also attend to the samovar and serve tea[137]. No woman lets herself be seen by the men. The festivities for the two groups take place in strict segregation. When the meal is over, the men's dance begins on a small, uneven ground between the houses. The wedding festivities never lasted for more than one day.

The men's dance is a chain dance, in which, standing side by side, they take each other's hands and, at the same time place their forearm round that of the other man so that they stand shoulder to shoulder. The outside man of the chain waves a cloth in his raised free hand. The chain forms a semi-circle, and the steps take place radially, in towards the centre and out again, whilst the men in the semi-circle slowly move sideways. This dance resembles the Trganlov Kolo, danced in the Balkans, a resemblance also pointed out by Wiora[138]. The same chain dance is reported from the Lurs in Iran[139] and from the Bakhtiari[140], where its similarity to the Greek Arnaoutika is pointed out. However, both in Trganlovia and in Iran the men appear during the dance to hold each other by the belt, whereas the Kurds hold each other firmly by the hand.

The accompanying music is produced by a drummer and a clarinettist, whilst a third person in this group of itinerant musicians collected money thrown to him by the spectators which he kept in a cloth sack up under his waistband. The drum[141] hung on a cord round the drummer's neck and was played with two drumsticks, one of which was a thin, straight baton, the other a thicker, flat stick bent at the end. They were used on each side of the drum, and after use were stuck together. The clarinet[142] had a funnel-shaped bend, and when not in use was split into two pieces which were fitted into each other and placed in the waistband. These musicians arrived some days before the wedding was to take place and played to the men of the village in the small village tea house, in the afternoon and evening when the men danced the chain dance for hours in the light of two borrowed pressure lamps. The monotonous rhythm of the dance was stimulating, and ended in Trgawra one evening with accentuating revolver shots fired by the sheikh's son with an American or European revolver of which the house possessed three or four. There was less interval between tones than in European music, seventone tones being used instead of our twelve. There was no polyphony or

4 Hansen E-5 (1957) 1961 MA11 Kurd MA11

595 595 [584] children living in the house showed that there must have been other wives. The sheikh himself stated that in his long life he had been married nineteen times! This can be compared with a statement by Hay[169] about "Old Ibrahim, Agha of the Dizaj", who, 78 years old, had had nineteen wives. So far as I could discover the position was the same as that reported by Lane[170]: "Hence it often happens that, when a man who has already one wife wishes to marry another girl or woman, the father of the latter, or the female herself who is sought in marriage, will not consent to the union unless the first wife be previously divorced". But even if the man divorces his current wife to conform to the wishes of his new wife or her family, the children remain in the paternal home, which, when they marry, the sons extend to a joint family household.

587 595 Two half-grown 13-14 year old step-daughters with the sheikh of Sargalu marked the existence of an earlier marriage, as did the presence at home of three married sons of the sheikh in Serkan. Of this family it was said that not only the sheikh but also his wife had been married before, she being the widow of his brother—thus a case of levirate marriage. Among the village aristocracy I thus was able to determine divorces, successions of marriages, and children of former marriages remaining in the home, but in this milieu I did not meet several wives simultaneously in the home.

595 369 In the humble village milieu it seemed that monogamy was the more usual, probably for economic reasons. On the other hand I met here two cases of women who, taking with them their small children —a boy of 2 and a girl of 4 in Topzawa, and a male baby and girl of 5, both of whom later died, in Serkan—had left their husbands who had failed in their obligations in regard to maintaining them. They had been taken on as domestic help[171] at the sheikh's homes in Topzawa and Serkan. Thus the women had not returned to their families. A repudiated wife with a boy of about 2 in the humble village milieu in Bakhe was said to live with and be supported by her family.

595 [584] In the educated urban milieu I met a newly-married teacher couple (seen each other before marriage), and a teacher couple with two children (never seen each other before marriage). The latter were monogamous, as was the case with the former, and a very high sum was stated to be put aside for the young woman in the event of divorce (or widowhood).

595 525 [583] There remain conditions in what is called the uneducated urban milieu or, if one prefers it, the old-fashioned urban milieu which still retains its original structure devoid of Western influence. The milieu of this kind that I learned to know possessed a good economic basis and was represented by small traders in Sulaimani and Kirkuk, who acted as agents for Baghdad firms dealing in electrical articles, bicycles and spare parts for automobiles. From the point of view of trade they represented the new times, but the structure of their homes evinced the old. Here I met polygamy functioning and could observe its effects on daily life, in the arrangement of the home, the distribution of the man's interest in regard to the wives, relations with the other's children, and the distribution of work within the woman's world of the home. There were only two wives. One thing is the permission given by the Coran to possess up to four wives simultaneously, another thing is practice—which presupposes— when these four are augmented by female slaves, also permitted by the Coran—both unlimited wealth and unlimited room, and was consequently very definitely an upper class phenomenon, reserved to

[611] [582]

Kurdish music is nevertheless pleasant to the ear. 534
resembling the chanter of a bagpipe and has often a pleasant lilt. 535
Kurdish dancing, however, is by no means as strenuous as Scottish. Kurds and all other mountain dwellers in Kurdistan dance what is known as the chain-dance, similar to that which is, I believe, commonly seen in the Balkans. The dancers join hands and form a ring. The piper and a drummer with a sort of tenor drum stand in the middle, and the dance consists of fairly intricate footwork while the circle moves slowly round. Often star dancers who fancy themselves as budding Nijinskys do solo dances inside the circle. Amongst the Kurds the men and women dance separately, but with the Christian sects the two sexes dance together. This does not mean, however, that Kurdish women are completely segregated or kept by themselves. As a matter of fact, they possess considerable freedom and may be seen gathering firewood, tending animals or engaged in other tasks on the mountainside, often far from their villages. [K 562]

Up to five years ago the Barzan district of Kurdistan retained all K
of its savage and primitive features. Government had not penetrated 619
and Shaikh Ahmed, a religious fanatic, was dictator. With the help 643
of his brothers and a standing army of several hundred men he com- 641
pletely dominated the impoverished inhabitants, who had the shaikh's 728
bodyguard perpetually billeted on them and who had to provide them 702
with food, clothing and tobacco and anything else they might fancy.
Any protests on the part of the villagers were discouraged by the K
strongest methods. Such complete ascendancy did Shaikh Ahmed gain [218]
over his savage and illiterate people that they began to look upon him
as a god and, though Muslims in name, turned their faces towards him K
in prayer rather than towards Mecca, as tradition demands. There 782
was a Mullah in the district called Mullah Juj, who represented himself 779
to be the prophet of this new god. The Mullah was a very fiery and 682
eloquent speaker and, unfortunately for himself, his fame began to 784
surpass even that of the deity. This could not of course be tolerated, 661
and one of Shaikh Ahmed's brothers "bumped off" the presumptuous 671
prophet. Up to that time the Koran had been revered, but now the K
Shaikh issued orders for the destruction of all copies to be found. He [136]
also withdrew the ban on the eating of pork, for wild pig were plenti- I
ful in Barzan. Armed missionaries were sent out beyond the Barzan K
bounds, and villages which refused to accept the Shaikh were burned 721
and a number of the male inhabitants put to death. This state of 657
affairs could not be allowed to continue, and the 'Iraq Government 648
was forced to take action in conjunction with the British Royal K
Air Force. 697